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14
15 **UNITED STATES DISTRICT COURT**
16 **EASTERN DISTRICT OF CALIFORNIA—DISTRICT OF SACRAMENTO**

17 Plaintiffs LUIS BARAJAS, MARIA
18 VARGAS, and ELBA VIZCAINO, on behalf
19 of a class of similarly situated individuals,

20 Plaintiffs

21 vs.

22 BLUE DIAMOND GROWERS INC,
23 DENISE HORN, individually, and DOES 1
24 through 40, inclusive

25 Defendants.

26 **Case No. 1:20-cv-00679-JLT-SKO**

27 **STIPULATION AND REQUEST AND
28 ORDER EXTENDING TIME TO
RESPOND TO SECOND AMENDED
COMPLAINT AND FILE THIRD
AMENDED COMPLAINT; ORDER
CONTINUING SCHEDULING
CONFERENCE**

(Doc. 40)

Trial Date: Not Set

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22 BLUE DIAMOND GROWERS,
23 (erroneously sued as BLUE DIAMOND
24 GROWERS INC.) and DENISE HORN
25
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1 Pursuant to Local Rules 144(a), Plaintiffs Luis Barajas, Maria Vargas, And Elba Vizcaino,
2 on behalf of themselves and those similarly situated (“Plaintiffs”) and Defendants Blue Diamond
3 Growers and Denise Horn (“Defendants”) (collectively, “Parties”) hereby stipulate, and request as
4 follows:

5 1. The Parties previously stipulated to an extension of time for Defendants to file its
6 Response to Plaintiffs’ Second Amended Complaint (“Complaint”) for twenty-eight (28) days so
7 they Parties could meet and confer, pursuant to the Local Rule 144(a), which allows Parties to
8 stipulate to extend time to respond to a complaint for up to twenty-eight (28) days.

9 2. The Parties met and conferred regarding Plaintiffs’ Complaint and Plaintiffs will
10 amend the Complaint and file a Third Amended Complaint.

11 3. To avoid unnecessary law and motion, the Parties request an additional extension
12 of thirty (30) days for Defendants to file its Response to Plaintiffs’ Second Amended Complaint
13 so Plaintiffs may amend its Complaint and file a Third Amended Complaint.

14 IT IS SO STIPULATED.

15 Dated: July 11, 2022

16 MALLISON & MARTINEZ

17 By: /s/ Hector R. Martinez

18 Stan Mallison
19 Hector Martinez
20 Gonzalo Quezada
21 Attorneys for Plaintiffs

22 SEYFARTH SHAW LLP

23 By: /s/ Phillip J. Ebsworth

24 Candace Bertoldi
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28 Michelle L. DuCharme
Attorneys for Defendants

ORDER

After consideration of the parties' foregoing Stipulation (Doc. 40), and good cause appearing to extend time to respond to Plaintiffs Second Amended Complaint, the Court Orders as follows:

- (a) Defendants' time to Respond to Plaintiffs Second Amended Complaint is EXTENDED to August 11, 2022;
- (b) Plaintiffs may file its Third Amended Complaint by July 26, 2022; and
- (c) The Initial Scheduling Conference, currently set for August 30, 2022, is CONTINUED to September 27, 2022, at 9:45 AM before Magistrate Judge Sheila K. Oberto. The parties shall file their joint scheduling report no later than seven days before the Conference.

IT IS SO ORDERED.

Dated: July 12, 2022

/s/ Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE